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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,594	02/16/2000	Jay Paul Drummond	D-1120-R1	5969
28995	7590	08/10/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			SUBRAMANIAN, NARAYANSWAMY	
			ART UNIT	PAPER NUMBER

3624

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/505,594	Applicant(s) DRUMMOND ET AL.	
	Examiner Narayanswamy Subramanian	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 45-54 is/are pending in the application.
- 4a) Of the above claim(s) 47-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's communication filed on May 12, 2004. Amendments to claims 1-11, withdrawal of claims 12-44, and newly added claims 45-54 made by the Applicant have been entered. Claims 1-11 and 45-54 are currently pending. Claims 47-54 are subject to restriction and are withdrawn from consideration as explained below. Claims 1-11 and 45-46 have been examined. The restrictions, rejections and response to arguments are stated below.

Response to Amendment

2. Newly submitted claims 47-54 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 1-11 that were examined in the first office action and amended claims 1-11, 45 and 46 are drawn to Automated transaction machines.

The new claims 47-54 are drawn to a method for conducting a transaction.

The method of the new claims 47-54 can also be performed using a different configuration of ATM from what is claimed in claims 1-11 and 45-46. Hence the method claims have a different utility and are independent and distinct from the ATM claims that were examined in the last office action. Because these inventions are distinct for the reasons given above and the search required for amended claims 1-11, 45 and 46 is different from that required for new claims 47-54, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 47-54 are withdrawn from consideration

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as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicants in replying to this office action are respectfully advised to cancel the non-elected claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts et al (US Patent 6,311,165 B1)

With reference to claim 1, Coutts teaches an automated transaction machine comprising: a plurality of transaction function devices, wherein each transaction function device includes an associated device computer processor, wherein at least one device computer processor associated with a first transaction function device is operative responsive to being placed in operative connection with at least one other device computer processor associated with a second transaction function device, to cause the first transaction function device to become automatically interoperative with the second transaction function device; a data store in operative connection with both the first transaction function device and the second transaction function device, wherein the first transaction function device is operative to access a device driver from the data store, wherein the device computer processor associated with the first transaction function device is operative responsive to the device driver to interact with the second transaction

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function device in carrying out a financial transaction with the automated transaction machine (See Coutts Figures 4, 8, 11, 15, Abstract, Column 3 line 10 – Column 4 line 54, Column 9 line 10 – Col 10 line 55 and Claims 1-5). The server includes a data store.

Coutts does not explicitly teach the step wherein a transaction function device is operative to communicate a device driver from the transaction function device to the data store for storage in the data store.

Official notice is taken that the step wherein a transaction function device is operative to communicate a device driver from the transaction function device to the data store for storage in the data store is old and well known in the art. Communication of a device driver from the device to a data store helps in synchronization of transaction events making the process more efficient.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this step to the disclosure of Coutts. The combination of the teachings taken as a whole suggests that the users of the device would have benefited from increased efficiency in processing the transaction.

With reference to claim 2, Coutts teaches a automated transaction machine according to claim 1, and further comprising a network, wherein the network is in operative connection with the at least one data store, the first transaction function device and the second transaction function device, wherein the device computer processor associated with the first transaction function device is operative responsive to the device driver to communicate with the second transaction device through the network (See Coutts Column 3 line 55 – Column 4 line 8, Column 9 lines 34 – 40, Column 9 line 55 – Column 10 line 4).

With reference to claim 3, Coutts teaches a automated transaction machine according to claim 2, wherein the driver is a hardware independent software component that is operative in the device computer processor associated with the first transaction function device (See Coutts Column 25 lines 32-35 and Claim 34)

With reference to claim 4, Coutts teaches an automated transaction machine comprising: a plurality of transaction function devices, wherein each transaction function device includes an associated device computer processor, wherein at least one device computer processor associated with a first transaction function device is operative responsive to being placed in operative connection with at least one other device computer processor associated with a second transaction function device to cause the first transaction function device to become automatically interoperative with the second transaction function device, wherein the first transaction function device interacts with the second transaction function device in carrying out a financial transaction with the automated transaction machine; a network, wherein the network is in operative connection with at least one data store, wherein the data store includes a transaction function device driver, wherein the device computer processor associated with the second transaction function device is operative to cause the driver to be stored in the data store, wherein the second transaction function device is operative responsive to the driver, wherein the first transaction function device interacts with the second transaction function device responsive to operation of the driver (See discussion of Claim 1 above and Column 21 lines 4-36).

With reference to claims 5-9, Coutts teaches an automated transaction machine wherein the device computer processor associated with the first transaction function

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device is operative to acquire the driver from the data store; wherein the device computer processor associated with the first transaction function device includes a virtual machine, wherein the driver is operative in the virtual machine; wherein the driver includes a method that is operative to cause the second transaction function device to perform a portion of the transaction, wherein the device computer processor associated with the first transaction function device is operative to invoke the method; wherein the device computer processor associated with the second transaction function device is operative to cause the first transaction function device to perform a portion of the transaction responsive to a remote procedure call by the driver and wherein the second transaction function device includes a sheet dispenser, and wherein the transaction includes the dispense of a sheet from the sheet dispenser. (See Coutts Abstract, Column 3 line 10 – Column 4 line 54, Column 9 lines 53-67, Column 11 line 53 – Column 14 line 11, Column 25 lines 25-29 and Claims 1-5 and 34-35).

With reference to claims 10 and 11, Coutts teaches an automated financial transaction machine comprising a plurality of transaction function devices, wherein at least one of the transaction function devices includes a sheet dispenser, and wherein each one of the transaction function devices includes an associated device computer, and wherein at least one of the device computers is programmed so that operative connection of a first transaction function device to the machine automatically causes the first transaction function device to coordinate operation with at least one other transaction function device in carrying out a financial transaction which includes the dispense of at least one sheet from the sheet dispenser, wherein the first transaction function device is operative to communicate a device driver from the first transaction function device to the

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at least one other transaction function device, wherein the at least one of the device computers of the at least one other transaction function device is operative responsive to the device driver communicated from the first transaction function device to communicate with the first transaction function device, and further comprising a database in operative connection with each of the transaction function devices, wherein each of the plurality of transaction function devices includes an associated device driver stored therein and is operative to communicate the associated device driver to the data store for storage therein, wherein the at least one other transaction function device is operative to access the device driver associated with the first transaction function device from the data store (See discussion of claim 1 above and Column 25 lines 25-36).

With reference to claims 45 and 46, Coutts teaches the step wherein the sheet dispenser comprises a cash dispenser (See Column 25 lines 25-30)

Response to Arguments

5. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft to the Patent Office is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian
July 25, 2004

Jagdish N. Patel
Primary Examiner



VINCENT MILLIN
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